IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO: 18803 of 2004

Between:

A.Srinvas (E.No.651277) S/o Yellaiah,
Velair Village, Dharmasagar Mandal, Warangal District

... PETITIONER

AND

1 **APSRTC., rep.by its Vice Chairman & Managing Director, Musheerabad, Hyderabad.**
2 **The Regional Manager, APSRTC Warangal Region, at Warangal, Warangal District**
3 **The Personnel Officer, APSRTC Warangal Region, at Warangal, Warangal Distirct.**

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction on more particularly in the nature of Writ of Mandamus, declaring the proceedings of the 3rd respondent herein dt. 27/09/2002 vide Proceedings NO.P3/852(2)/99-RM.WL. as illegal, arbitrary and contrary to law and consequently direct the respondents herein to include the name of the petitioner on the rolls of Casual Drivers Panel in APSRTC Warangal Region forthwith , with all consequential benefits including the seniority from the date of his initial appointment as HMV Driver Grade II IN APSRTC while directing the respondents to engage the petitioner as Grade II Driver in APSRTC forthwith;

Counsel for the Petitioner:MR. C.RAJA SEKHAR REDDY

Counsel for the Respondent No.: SMT.P.RAJANI REDDY

The Court at the admission stage made the following:

ORAL ORDER:

1. The petitioner contends that he was appointed in the Warangal Region of the respondents—Corporation as a Casual Driver Grade II after due selection by the Selection Committee in the year 1999 and his name finds place in the list of selected Drivers. On 4-5-2001 while the petitioner was driving a private jeep an accident occurred and a crime under Section 304-A IPC was registered against him. On 16-2-2004 the IV Additional Judicial Magistrate of First Class, Warangal passed a judgment in the said crime covered by C.C.No.513 of 2001 filed against the petitioner holding that the accused--petitioner is not guilty of the offence punishable under Section 304-A IPC. On 20-5-2002 the respondents issued a show cause notice to the petitioner regarding the said incident and the petitioner submitted his explanation contending that the accident was not on account of his rashness or negligence. But the third respondent through his proceedings dated 27-9-2002 without conducting any enquiry deleted the name of the petitioner from the selection list of drivers. The petitioner being aggrieved by the said order of the third respondent approached this Court seeking to declare that the order of the third respondent dated 27-9-2002 deleting his name from the selected list of drivers in Warangal Region as illegal, arbitrary, contrary to law and in violation of the principles of natural justice.

2. It is an undisputed fact that the petitioner was selected as a Driver through a Selection Committee as per the Regulations of the Corporation. The petitioner was appointed as a Casual Driver for want of regular vacancies. Since the petitioner was a regularly selected employee, an enquiry ought to have been conducted before imposing the punishment of deleting his name from the list of selected candidates. The second respondent instead of conducting an enquiry passed the impugned order only after issuing the show cause notice and receiving the explanation from the petitioner. Since the deletion of the name of the petitioner from

the list of selected candidates was done through the impugned order without conducting an enquiry, the order is liable to be set aside.

3. In the result, the writ petition is allowed. The impugned order dated 27-9-2002 is set aside. The respondents are directed to restore the name of the petitioner in the list of selected candidates and continue to engage him on the basis of availability of the work on the same terms and conditions in which he used to engage prior to the deletion of his name from the list of selected candidates.

4. This order will not preclude the second respondent from conducting a regular enquiry against the petitioner and pass appropriate orders according to the rules.

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(Dr.G.Yethirajulu, J)

29th October 2004

svs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Vice Chairman & Managing Director,
A.P.State Road Transport Corporation, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Warangal Region at Warangal,
Warangal District
3 The Personnel Officer, APSRTC Warangal Region, at Warangal,
Warangal Distirct.

4 Mr.C. Rajasekhar Reddy, Advocate (OPUC)

5 Smt. P. Rajani Reddy, (OPUC)

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